

IC 13-22-5

Chapter 5. Rejection of Hazardous Waste

IC 13-22-5-1

Rejection before signing manifest

Sec. 1. A hazardous waste facility owner or operator may reject all of a hazardous waste shipment for any reason before signing the manifest.

As added by P.L.1-1996, SEC.12.

IC 13-22-5-2

Rejection after signing manifest

Sec. 2. After the manifest is signed, a hazardous waste facility owner or operator may reject all or part of a hazardous waste shipment that:

- (1) does not conform to the terms of the agreement under which the hazardous waste facility agrees to manage the hazardous waste;
- (2) does not conform to the requirements of the hazardous waste facility's permit;
- (3) would require a deviation from the hazardous waste facility's standard operating procedures; or
- (4) cannot, with reasonable efforts, be removed from the vehicle or the container in which the hazardous waste was transported.

As added by P.L.1-1996, SEC.12.

IC 13-22-5-3

Rejection after signing manifest; compliance by facility

Sec. 3. If a hazardous waste facility owner or operator rejects under section 2 of this chapter all or part of a hazardous waste shipment, the hazardous waste facility shall comply with the requirements of this chapter.

As added by P.L.1-1996, SEC.12.

IC 13-22-5-4

Rejection after signing manifest; facility not generator; facility not liable

Sec. 4. A hazardous waste facility that rejects all or part of a hazardous waste shipment under section 2 of this chapter is not:

- (1) considered a generator of the rejected hazardous waste; and
- (2) liable for any rejected part of the hazardous waste shipment under IC 13-25-4.

As added by P.L.1-1996, SEC.12.

IC 13-22-5-5

Rejection after signing manifest; facility owner or operator duty to contact generator

Sec. 5. If a hazardous waste facility owner or operator rejects all or part of a shipment of hazardous waste after the owner or operator has signed the manifest, the hazardous waste facility owner or

operator shall contact the generator, who shall direct the owner or operator to:

- (1) return the rejected shipment to the generator; or
- (2) transport the rejected shipment to an alternate hazardous waste facility selected by the generator.

As added by P.L.1-1996, SEC.12.

IC 13-22-5-6

Rejected waste; manifest

Sec. 6. (a) If the rejected load is to be returned to a generator, the generator shall complete a new manifest form and comply with all of the standards applicable to generators of hazardous waste except the following:

- (1) Line out the word "generator" in Box 3 of the manifest and insert the words "rejecting facility".
- (2) Line out the words "designated facility" in Box 9 of the manifest and insert the word "generator".
- (3) Write the words "REJECTED LOAD" in large block print and indicate the manifest document number of the original manifest in Box 15 of the rejected load manifest.

(b) The rejected load manifest must accompany the shipment back to the generator. The generator retains all responsibility for transportation of the rejected waste.

As added by P.L.1-1996, SEC.12. Amended by P.L.143-2000, SEC.6.

IC 13-22-5-7

Rejected waste; duties of generator and rejecting facility

Sec. 7. (a) When the rejected waste and the manifest are received by the generator, the generator shall do the following:

- (1) Note any discrepancies in Box 19 of the manifest.
- (2) Line out the words "Facility Owner or Operator" in Box 20 of the manifest and insert the words "Receiving generator".
- (3) Sign Box 20 of the manifest.
- (4) Give a copy of the manifest to the transporter.
- (5) Mail a copy of the manifest to the rejecting facility not more than five (5) days after receipt of the shipment and the manifest.

(b) The receiving generator and rejecting facility shall retain copies of the manifest from the rejected load for not less than three (3) years after the date of receipt.

As added by P.L.1-1996, SEC.12. Amended by P.L.143-2000, SEC.7.

IC 13-22-5-8

Rejecting facility; nonreceipt of manifest within time limit

Sec. 8. If the rejecting facility does not receive a copy of the manifest with the handwritten signature of the generator in Box 20 in not more than thirty-five (35) days from the date the rejected waste was accepted for transport back to the generator, the rejecting facility shall comply with the exception reporting requirements applicable to generators of hazardous waste.

As added by P.L.1-1996, SEC.12.

IC 13-22-5-9**Generator; temporary retention of rejected waste**

Sec. 9. The generator may retain the hazardous waste at the location of receipt for not more than ninety (90) days following receipt of the rejected load before shipment to a permitted facility. The generator shall manage the waste during the retention period in compliance with all federal and state standards applicable to generators of hazardous waste.

As added by P.L.1-1996, SEC.12.

IC 13-22-5-10**Rejected waste; transfer to alternate facility; generator to forward manifest to rejecting facility**

Sec. 10. If the rejected load is to be shipped to an alternate hazardous waste management facility, the generator shall complete the manifest form identifying the generator as the generator and specifying the alternate designated facility. The generator shall forward the manifest to the rejecting facility to accompany the shipment to the alternate facility.

As added by P.L.1-1996, SEC.12.

IC 13-22-5-11**Mixture of waste from multiple generators by transporter; responsibilities**

Sec. 11. If hazardous waste from more than one (1) generator is mixed together by the transporter before delivery to the hazardous waste facility, the transporter shall assume all responsibility for proper disposition of the rejected waste, including the responsibility to:

- (1) designate an alternate hazardous waste facility; and
- (2) assure delivery to that facility.

As added by P.L.1-1996, SEC.12.

IC 13-22-5-12**Expiration of chapter; rules**

Sec. 12. (a) This chapter expires upon the earlier of the following:

- (1) July 1, 2005.
- (2) The date that regulations of the United States Environmental Protection Agency governing the manifesting of rejected loads of hazardous waste become effective.

(b) The department shall adopt rules to implement any regulations referred to under subsection (a)(2) to become effective the date this chapter expires.

As added by P.L.1-1996, SEC.12.